

PETITION FOR RESIDENTIAL VARIANCE BEFORE THE
N/S Townsend Road, 770' W of
c/1 of Mace Avenue
(344 Townsend Road)
15th Election District
9th Councilmanic District
George Hess, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a garage height of 21 feet in lieu of the maximum permitted 15 feet in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 20-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 20-26 of the B.C.C.R. Furthermore, strict compliance with the B.C.C.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.C.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of July, 1991 that the Petition for Residential Variance to permit a garage height of 21 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the subject garage to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/3/91
By [Signature]

JRH:bjs

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PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.3 to permit a height of 21 feet for a garage in lieu of the required 15 feet height restriction.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (Indicate hardship or practical difficulty)
The existing dwelling does not have a basement and it is proposed to utilize the upper level of the proposed garage for storage.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

344 Townsend Road

Baltimore, MD 21221

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of July, 1991, that the subject matter of this petition be posted on the property on or before the 7th day of July, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOR TO BE REQUESTED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County, on the 7th day of July, 1991, at 10:00 a'clock, a.m.



ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date 5/31/91

Variance - IRL Filing - Posting - \$60.00
Hess, George
Election District 15
Councilmanic District 5
\$60.00

04A040093MCHKC
Please Make Checks Payable To: Baltimore County
040010:12A05-31-91

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 3, 1991

Mr. & Mrs. George W. Hess
344 Townsend Road
Baltimore, Maryland 21221

RE: PETITION FOR RESIDENTIAL VARIANCE
N/S Townsend Road, 770' W of the c/1 of Mace Avenue
(344 Townsend Road)
15th Election District - 5th Councilmanic District
George Hess, et ux - Petitioners
Case No. 91-455-A

Dear Mr. & Mrs. Hess:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 6/14/91
Posted for: [Signature]
Petitioner: [Signature]
Location of property: 344 Townsend Rd
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature] Date of return: 6/14/91
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

6/04/91

H9100466

PUBLIC HEARING FEES QTY PRICE
010 -ZONING VARIANCE (IRL) 1 X \$35.00
080 -POSTING SIGNS / ADVERTISING 1 X \$25.00
TOTAL: \$60.00

LAST NAME OF OWNER: HESS

PAID PER HAND-WRITTEN RECEIPT
DATED 5/31/91

Please Make Checks Payable To: Baltimore County

Cashier Validation

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-455-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently reside at 344 Townsend Road
Baltimore, Maryland 21221
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

Existing Dwelling has NO Basement
UPPER LEVEL TO BE USED AS STORAGE

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Affiant (Handwritten Signature)

Affiant (Printed Name)

Affiant (Handwritten Signature)

Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of May, 1991, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

Mr. George W. Hess, Jr. & Mrs. Linda Hess (w/o)

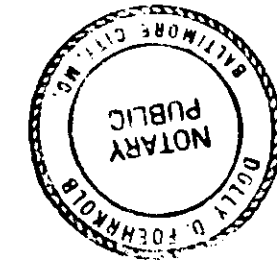
The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

May 30, 1991
DATE

Dolly D. Fehlebach
NOTARY PUBLIC

My Commission Expires: September 1st, 1992



111 West Chesapeake Avenue
Towson, MD 21204

June 6, 1991

887-3353

Mr. & Mrs. George Hess
344 Townsend Road
Baltimore, Maryland 21221

Re: CASE NUMBER: 91-455-A
LOCATION: N/S Townsend Road, 770' W of c/1 of Mace Avenue
344 Townsend Road

Dear Petitioner(s):

Please be advised that your petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 12, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is June 27, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

1) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

[Signature]
J. J. Stephens
(301) 887-3391

